

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

CHRISTOPHER MERCIER, ET AL.

Plaintiffs,

v

FIREWORKS BY GIRONE OF P.R.  
INC. ET AL.

Defendants.

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CIVIL NO. 98-2409(DRD)

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ORDER

Counsel for the parties have been "playing fast and loose" with the court. Aoude v. Mobil Oil Corp., 892 F2d 1115, 1122 (1<sup>st</sup> Cir. 1989).

On two occasions the parties were summoned to appear to discuss settlement. The parties advised at those two conferences that they were nearer to a settlement. Since three out of the four counsels in the case were from the city of Ponce, the parties advised the court that they would call the court from Ponce to advise on the settlement. In order to accommodate counsels from Ponce the court agreed to hold a telephone conference with all the parties. A first telephone conference was made to the court from Ponce but the parties were still discussing settlement and advised that they would call back to the court the next week. Subsequently, no one called the Judge.

The case has lingered since August 28, 2000. The parties are **ordered** to appear before the court for a **status conference on March 29, 2001, at 5:00 P.M.** Should no settlement have materialized by said date counsels are ordered to be prepared to

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advise the court as to any and all discovery still pending and are to be prepared to proceed to trial during the month of July 2001. Counsels are to proceed expeditiously and immediately from receipt of this order with any discovery matter that is still pending.

There are various motions pending. Plaintiffs request that defendants be ordered to provide with copies of the physicians evaluations made of plaintiff Christopher Mercier by defendants' expert. (Docket No. 30.) Plaintiffs also request trial setting, (Docket No. 29). On the other hand, defendant CNA International Reinsurance Co. countered at Docket No. 31 by informing that the reports have not been produced because plaintiffs have failed to provide full medical report of the pre-existing injuries and/or any medical condition (psychiatric reports) of the plaintiff. Consequently the expert's report of defendants cannot be terminated. The court rules as follows:

1. Plaintiff is to provide defendants with all medical reports as to all pre-existing injuries and/or psychiatric reports within the next **ten (10) days**.
2. The expert's report of the defendants **are to be finished twenty (20) days thereafter**.
3. Plaintiff is to depose defendants' expert **twenty (20) days after receipt of the expert's report. Absolutely no extensions are to be granted. Trial is to be set for the month of July 2001.**

3.

This order disposes of Dockets No. 29, 30, and 31. The withdrawal of counsel Vicente Santori Coll on behalf of Certain Underwriters at Lloyd's London is to be discussed at the status conference, (Docket No 32).

IT IS SO ORDERED.

At San Juan, Puerto Rico, this 13 day of February 2001.

A handwritten signature in black ink, appearing to read "Daniel R. Dominguez", with a stylized flourish at the end.

DANIEL R. DOMINGUEZ  
U.S. DISTRICT JUDGE